



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 31 मार्च, 1964/11 चैत्र, 1886

GOVERNMENT OF HIMACHAL PRADESH

LAND REFORMS DEPARTMENT

NOTIFICATION

Simla-4, the 30th March, 1964

S.R.O. (H.P.)-26.—With reference to Himachal Pradesh Government notification No. R. 25-206/59, dated the 30th December, 1963, and in exercise of the powers conferred by section 26 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954), the Lieutenant Governor, Himachal Pradesh, after having taken into consideration all the objections and suggestions with regard to the draft rules under the said Act, published under the notification aforesaid is pleased to make the following rules under the said Act:—

RULES

- 1. Title and commencement.**—(1) These rules may be called the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963.
(2) They shall come into force at once.
- 2. Definitions.**—In these rules, unless there is anything repugnant in

the subject or context:—

- (a) "Act" means the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954).
- (b) "Compensation Officer" means the person appointed as such by the State Government under sub-section (1) of section 9 of the Act.
- (c) "Revenue Officer" means the "Revenue Officer" mentioned in section 109 of the Act.
- (d) "Vesting date" in relation to any land means the date on which the right, title and interest of the landowner in that land stands transferred and vested in the State Government under the provisions of section 27 of the Act. This date will either be 26th January, 1955 (*i.e.* the date on which the Act came into force) or any subsequent date on which the annual land revenue of the land held by a landowner exceeds Rs. 125.
- (e) "Form" means a form appended to these rules.
- (f) "Section" means a section of the Act.

3. *Determination of compensation* [section 27(3)].—As soon as the mutations of right, title and interest on the lands of a landowner vested in the State Government, under section 27 of the Act, have finally been attested by a Revenue Officer and entered in the record of rights, the Revenue Officer with the help of the revenue staff will start a file for each landowner for the purposes of assessment and payment of compensation, giving therein on first page, the particulars and details of the lands in form 'A'. Relevant excerpts/copies from the jamabandi pertaining to the vesting date should be placed on each file:

Provided that in case, the land, on which right, title and interest of a landowner vested in the State Government is situated in the jurisdiction under different Revenue Officers, the Revenue Officer who would initiate the preparation and submission of the file to the Compensation Officer of his area, shall be the Revenue Officer having jurisdiction in the area in which the landowner concerned ordinarily resides or major portion of his such land is situated, as may be practicable.

4. The files duly complete in all respects shall be passed on by the Revenue Officer concerned to the Compensation Officer of the area concerned for assessing and determining the amount of compensation in accordance with the provisions contained in sub-section (3) of section 27 of the Act.

5. (1) The Compensation Officer on receipt of each file will enter the particulars contained therein in a register to be kept and maintained in his office in form 'B'.

(2) The Compensation Officer after having assessed and determined the amount of compensation, will serve a notice in form 'C' for the information of all parties concerned and give fifteen days period to prefer their objections, if any.

(3) If within the time allowed under sub-rule (2) above, no objections are received and if objections are received after having disposed of the objections, the Compensation Officer shall finally determine the amount of Compensation, payable to the landowner concerned and give his decision.

6. *Payment of Compensation*.—As soon as the Compensation Officer gives his final decision in respect of the amount of compensation payable, an

entry to that effect shall be made in the register in form 'D' to be kept and maintained in his office. Entries of payment to the landowners shall also be made in this register at proper times to ensure payment to the landowners.

7. Compensation finally determined by the Compensation Officer shall be payable to the rightful claimant under the orders of the Compensation Officer for which a notice shall be given in form 'E' :

Provided, however, that in case where there is a dispute between the various claimants, the Compensation Officer shall direct the parties concerned to get a decision from a competent Civil Court and payment will be made according to the decision of the Civil Court. In such cases or where the rightful payee does not turn up in time to receive payment of compensation, the amount may be kept in the treasury/sub-treasury under the head "Revenue Deposit".

8. The amount of compensation payable to the landowners will be in cash.

9. The payment of the amount of compensation to the landowner shall be made by the Compensation Officer concerned and he will obtain the receipt, in duplicate, from the landowner or his authorised agent in form 'F'. One copy of the receipt will be forwarded to the Accountant General, Punjab and the other copy placed on the relevant file by the Compensation Officer:

Provided where the landowner entitled to receive the compensation in a trust or endowment or religious/charitable institution or a minor or a person suffering from some legal disability or a person suffering from mental disability the amount of compensation subject to any general direction that the State Government may give be deposited for and on behalf of the landowner concerned with the Collector of the District or with a Bank selected by the State Government for the purpose.

Note.—"Authorised Agent" means a person authorised by the landowner to get compensation on his behalf and holding a letter of authority to that effect from the said landowner, duly attested by a Magistrate First Class. The Compensation Officer before making the payment to the authorised agent, shall satisfy himself about the genuineness of the letter of authority and also about the identity of the "authorised agent".

10. Every year funds will be provided by the Land Reforms Department, from their Budget Grant under head "92—Compensation—Payment of Compensation to the land holders etc., on Abolition of Zamindari System—Compensation", for making disbursement of compensation to landowners.

11. The Deputy Commissioners will draw the required amount from the above head of account as and when necessary on a simple receipt voucher and place the same at the disposal of the Compensation Officers for making disbursements. The Deputy Commissioners will be declared as drawing and disbursing officers under the above said head of account, who will render periodical expenditure and accounts statements to the Land Reforms Commissioner. The Compensation Officers will, however, maintain subsidiary cash books and make necessary entries therein of the receipts and disbursements of the amount placed at their disposal.

12. *Grant of proprietary rights to cultivating tenants [section 27(4)].*—As soon as the mutations of the lands of a landowner vested in the State Government under section 27 of the Act have been finally attested by a Revenue Officer (*vide* rule 3) the Revenue Officer with the help of the revenue staff will start tenant-wise files for the purposes of assessment and determination of the

amount of compensation to be paid by each of the tenant to the State Government for the grant of proprietary rights to him in respect of the land held by him in his tenancy in form 'G' which will be the first page of the file. Relevant excerpts from the jamabandi pertaining to the vesting date and also from the latest jamabandi, where necessary should also be placed on each file.

13. (1) Immediately on receipt of the file referred to in the preceding rule, the Compensation Officer shall cause the particulars of the same to be entered in his register in form 'H'.

(2) The Compensation Officer after making enquiries considered necessary will issue a notice in form 'I' to all concerned, inviting objections within a month in regard to the conferment of proprietary rights on the cultivating tenant under sub-section (4) of section 27 of the Act, as also to the amount of compensation proposed to be paid by the tenant to the State Government.

14. (1) The Compensation Officer, after making necessary enquiries and deciding the objections, if any, received, proceed to determine finally the amount of compensation payable by the tenant to the Government in accordance with the provisions of sub-section (4) of section 27 of the Act.

(2) The tenant may pay the amount of compensation as determined by the Compensation Officer, under sub-rule (1) either in lump sum or in such number of instalments not exceeding TWO as may be determined by the Compensation Officer during a period not exceeding one year; and such compensation or such instalments of compensation shall be paid on such date or dates as may be fixed by the Compensation Officer in this behalf.

15. (1) The Compensation Officer after having finally determined the amount of compensation payable by the tenant to the State Government shall give his final decision and issue a notice in form 'J' directing the tenant to deposit the same in the Government treasury/sub-treasury, as the case may be, under head "IX—Land Revenue—Miscellaneous Receipts on account of realisation of compensation from tenants" within a period of three months in the manner laid down in sub-rule (2) below:

Provided that in the cases where the amount of compensation has been ordered to be paid by the tenant in instalments, the period of three months shall relate to the depositing into treasury/sub-treasury of the first instalment of the amount of compensation:

Provided further that in case of a tenant to whom the proprietary rights are transferred happens to be a member of the Armed Forces and is serving under the war conditions the period of three months for depositing the amount of compensation into the treasury/sub-treasury shall be relaxable by the order of the Compensation Officer, according to the circumstances of the case.

(2) The treasury challan for the deposit of the compensation, duly filled in and verified by the Compensation Officer, concerned, shall be presented in triplicate at the treasury/sub-treasury, as the case may be. One copy of the challan shall be retained in the treasury/sub-treasury, the duplicate copy shall immediately be forwarded to the Compensation Officer concerned by the Treasury/Sub-treasury Officer and triplicate returned to the tenant duly receipted by the treasury/sub-treasury concerned.

(3) The Deputy Commissioners shall furnish a consolidated monthly statement of income in respect of the amount of compensation realised from the tenants to the Land Reforms Commissioner.

16. On receipt of the duplicate copy of the challan from the Treasury/Sub-treasury Officer or production of the triplicate copy by the tenant, whichever is earlier, the Compensation Officer shall issue the certificate of ownership of land in favour of the tenant concerned in form 'K' and copy thereof shall be sent to the Tehsildar concerned for making necessary entries in the revenue records.

17. (1) As soon as the Compensation Officer gives his final decision in regard to the amount of compensation to be paid by a tenant to the State Government; entries to that effect will be made in the register in form 'L' to be kept in his office Tehsil-wise. Entries of recovery of compensation or instalments thereof from the tenant and of payment to the Government shall also be made in this register at proper times to ensure recoveries from tenants.

(2) An instalment of compensation which is not paid on the date fixed by the Compensation Officer shall together with interest thereon at the rate of $2\frac{1}{2}$ per cent (two and half per cent) per annum shall be recoverable as arrear of Land Revenue.

(3) Where compensation is paid in instalments, the un-paid amount of compensation together with interest thereon shall be a charge upon the land.

18. Failure on the part of the tenant to deposit the amount of compensation or the first instalment thereof as the case may be, within the prescribed period of three months under sub-rule (1) of rule 15 shall be sufficient ground for the Compensation Officer to cancel the proceedings relating to the conferment of proprietary rights on the tenant.

19. The notices required to be published and served under these rules shall be published by affixing one copy of the notice on the notice board of the Court of the District Judge or the Compensation Officer concerned, as the case may be or at a conspicuous place in the locality in which the land in question is situated or any other manner considered proper by the authority concerned and served in the manner laid down under sections 21, 22, and 23 of the Himachal Pradesh Land Revenue Act, 1953. One copy of the notice shall be sent to the party concerned at the known address.

20. *Appeals.*—The period of appeal against any decision of the District Judge to the Judicial Commissioner shall be ninety days for the purpose of clause (c) of sub-section (2) of section 12 of the Act.

FORM 'A'

(See Rule 3)

Statement showing the particulars and other details of the land on which right, title and interest of the Landowner has vested in the State Government under sub-section (1) of section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954)

1. Name, parentage and other particulars of the landowner covered by the provisions of section 27(1).
2. Name of village in which the land vested in the State Government situate.
3. Area of the land vested in the State Government with details i.e. categories of the tenancies etc. etc:
 - (a) Occupancy
 - (b) Non-occupancy
4. Rent paid by the tenants
5. Share or measure or right and rate of Bachh

6. Land Revenue :

- (a) Land Revenue
- (b) Cesses
- (c) Total

7. Rate of compensation *vide* schedule 1 or 2 of the Act

8. Approximate amount of compensation which the landowner (Col. No. 1) is entitled to receive.

9. Remarks

FORM 'B'

[See Rule 5(1)]

Register of files pertaining to the Assessment and Determination of Amount of Compensation payable to Landowners under section 27(3) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953

Compensation Officer....., Tehsil.....,
District.

1. Serial Number
2. Date of receipt of the file
3. Name/parentage and other particulars of the landowner
4. Name and particulars of the other party (State Government)
5. Full particulars (Khata/Khatauni and area) of the holdings etc. vested in the State Government.
6. Extract of the final order of the Compensation Officer and amount of compensation sanctioned.
7. Extract of the orders passed in appeal by the District Judge/Judicial Commissioner and the amount of compensation sanctioned.
8. Date of despatch of the file to the Record-Room
9. Acknowledgement of the Officer in charge of the Record-Room with number and date.
10. Remarks

FORM 'C'

[See Rule 5(2)]

Notice under rule 5(2) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963

Before the Compensation Officer....., Tehsil.....,
District.

In the matter of State of Himachal Pradesh.

Versus

Shri..... (Landowner).
To

All persons concerned.

Whereas the land measuring.....(as entered in the Revenue Records) situate in village....., Pargana.....,

Tehsil....., District....., in the ownership of Shri(Landowner) has vested in the Himachal Pradesh Government under sub-section (1) of section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

And whereas a sum of Rs..... is proposed to be allowed as compensation to be paid by the Himachal Pradesh Government to the said Shri(Landowner) for extinction of his right, title and interest in the land described above under sub-section (3) of section 27 of the Act.

Now, therefore, in pursuance of rule 5(2) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963, it is hereby notified for information of all persons concerned that objections in regard to the assessment of the said amount of Rs.....as compensation shall be received by the undersigned by.....(date). Any person having any objection to make in the matter, may do so in writing addressed to the undersigned on or before the date specified above, whereafter no objections shall be entertained.

Given under my hand and seal, this..... day of.....
196.....

Seal.

*Compensation Officer,
District.....*

FORM 'D'

(See Rule 6)

Register of payment of Compensation to the Landowners

Compensation Officer....., Tehsil.....,
District.

1. Name and address of the landowner
2. Particulars of land in respect of which compensation is to be paid
3. Amount of compensation determined by:
 - (a) Compensation Officer
 - (b) District Judge
 - (c) Judicial Commissioner
4. Amount of compensation payable to the landowner
5. Amount of compensation paid to the landowner and date
6. Remarks

N.B.—Entries in columns No. 3 and 5 shall be initialled by the Compensation Officer.

FORM 'E'

(See Rule 7)

Notice to the Landowner to receive payment of the Compensation
Before the Compensation Officer....., Tehsil.....,
District.

Whereas the compensation of land measuring....., described in the Jamabandis for the *years....., situate at village, Tehsil....., District....., of which Shri..... is landowner has been assessed and determined Rs....., on account of extinction of right, title and interest of the said landowner on the said land, under section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

Now, therefore, in exercise of the powers vested in me *vide* rule 7 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963, I hereby order that the said sum of Rs..... shall be paid to said..... (Landowner) whose right, title and interest in the said land have been extinguished. He should appear in this office to receive the said amount on..... (date).

Seal.

Place.....

Date.....

Compensation Officer,

District.....

*Jamabandi pertaining to the vesting date.

FORM 'F'

(See Rule 9)

Form of receipt for payment of Compensation to the Landowners under section 27(3) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act. 1953

I,....., son of Shri....., resident of....., do hereby acknowledge to have received a sum of Rs..... (in figures) Rupees..... (in words) *(on behalf of Shri....., landowner who has duly authorised me to receive the said amount *vide* letter of authority dated....., which is enclosed herewith, in original) being the amount of compensation of land as per particulars given below, on account of extinction of my (his) right, title and interest on that land under section 27(1) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

1. Name of village.....
2. Tehsil....., District.....
3. Khata/Khatauni Nos. as entered in Jamabandis.....
4. Khasra Nos.....
5. Area

Place

Date

(Signature of payee).

Paid in my presence in cash to above person the sum of Rs.
 (in figures) Rupees (in words).

Place [Signature of Compensation Officer],
 Date Tehsil District.

*To be used only where the receipt is to be taken from the authorised agent.

FORM 'G'
 (See Rule 12)

Particulars and other information in respect of tenants entitled to get proprietary rights under section 27(4) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953

1. District/Tehsil
2. Name of village(s)
3. Particulars of the landowner (State Government)
4. Name/Parentage and other particulars of the cultivating tenant *vide* section 27(4).
5. Details of the land held by the tenant in his tenancy:

Khasra No.—(a) Old (b) Present
 (c) Area with classification

6. Rent paid by the Tenant
7. Share or measure or right and rate of Bachh
8. Land Revenue:
 - (a) Land Revenue
 - (b) Cesses
 - (c) Total
9. Rate of compensation to be paid by the tenant to the State Government.
10. Approximate amount of compensation which the tenant (Col. No. 4) is required to pay under section 27(4).
11. Remarks

FORM 'H'

[See Rule 13(1)]

Register of files relating to conferment of proprietary rights on Tenants under section 27(4)

Compensation Officer....., Tehsil....., District.

1. Serial No.
2. Date of receipt of the file

3. Name of cultivating tenant.
4. Name of the other party with address (Himachal Pradesh Government).
5. Full particulars (Khata/Khatauni and area) of holding/tenancy of which proprietary rights are to be conferred.
6. Extracts of the final order of the Compensation Officer
7. Extracts of the orders passed in appeal by the District Judge/Judicial Commissioner.
8. Date of despatch of the files to the Record-Room
9. Acknowledgement of the Officer Incharge of the Record-Room with number and date.
10. Remarks

FORM 'I'

[See Rule 13(2)]

Notice under rule 13(2) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963

Before the Compensation Officer....., Tehsil, District.

In the matter of Shri..... (Cultivating Tenant).

Versus

State of Himachal Pradesh.

To

All persons concerned.

Whereas Shri.....(Cultivating Tenant) under the provisions of sub-section (4) of section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, is entitled to get the proprietary rights against payment of compensation in the land of his tenancy measuring(as entered in the Revenue Records) situated in village....., Pargana....., Tehsil....., District....., in the ownership of the Himachal Pradesh Government.

And whereas a sum of Rs.....is proposed to be allowed as compensation to be paid by the said Shri.....(Tenant) to the Himachal Pradesh Government, for conferment of proprietary rights in the land described above.

Now, therefore, in pursuance of rule 13 (2) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963, it is hereby notified for information of all persons concerned that objections in regard to the conferment of proprietary rights and also to the assessment of the amount of Rs....., as compensation, shall be received by the undersigned by.....(date). Any person having any objection to make in the matter, may do so in writing addressed to the undersigned on or before the date specified above whereafter no objection shall be entertained.

Given under my hand and seal, this day.....of,
196 .

Seal. *Compensation Officer,
..... Tehsil..... District.*

Note.—A copy of this notice shall invariably be sent to the Forest Officer of the area concerned.

FORM 'J'

[See Rule 15(1)]

Form of notice to the cultivating tenant directing him to deposit the amount of Compensation to be paid by him to the State Government

Before the Compensation Officer....., Tehsil....., District.

In the matter of(Cultivating tenant).

Versus

State of Himachal Pradesh.

Whereas Shri.....(Cultivating Tenant) has been conferred the proprietary rights on the land of his tenancy measuring..... as entered in the Revenue Records....., situating in village..... Pargana....., Tehsil....., District....., under the provision of sub-section 4 of section 27 of Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act 15 of 1954) against payment of Rupees.....(in words) as compensation finally determined *vide* orders of the undersigned dated....

Now, therefore, in pursuance of rule 15(1) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Mode of Payment of Compensation and Grant of Proprietary Rights) Rules, 1963, Shri..... aforementioned is hereby directed to deposit the aforesaid amount Rs...../ first instalment of Rs..... into the Treasury/Sub-treasury at.....under the Head "IX—Land Revenue—Miscellaneous receipts on account of realization of compensation from the tenants" and furnish the received copy of the Treasury challan to the undersigned within a period of three months from the date of issue of this notice.

Given under my hand and seal.

Seal.

Place.....

Date

Compensation Officer.

FORM 'K'

(See Rule 16)

Certificate of conferment of proprietary rights on tenant

Office of the Compensation Officer, Tehsil....., District.....

Whereas Shri..... (Tenant) of land measuring comprising Khasra Nos..... Khata No....., described in the Jamabandis for the *years..... situate in village....., Pargana..... Tehsil, District....., has deposited a sum of Rs....., being the full amount/first instalment of compensation determined for grant of proprietary rights to said Shri..... by the Government, in the said land under section 27(4) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

Now, therefore, this certificate is hereby granted to Shri..... who shall on and from the date of grant of this certificate be deemed to be the owner of the land described above.

Given under my hand and seal this..... day of..... 196.....

Seal.

Place.....

Date..... *Compensation Officer,
Tehsil!..... District.*

*Jamabandis pertaining to vesting date.

FORM 'L'

[See Rule 17(1)]

Register of conferment of proprietary rights on tenants

Compensation Officer..... Tehsil..... District.

1. Name and address of the tenant
2. Name and address of the landowner
3. Particulars of land in respect of which proprietary rights are conferred on the tenant.
4. Amount of compensation determined by:
 - (a) Compensation Officer
 - (b) District Judge
 - (c) Judicial Commissioner
5. Compensation whether payable in instalments or lump sum
No. and nature of instalments if payable in instalments.
6. Amount of compensation received from the tenant in instalments and date (1) (2).
7. Remarks.

N.B.—Entries in columns No. 5 and 6 shall be initialled by the Compensation Officer.

(No. 25-206/59-L.R.C.)

By order,
C. L. KAPILA,
Additional Secretary (Revenue).